

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
October 15, 2013**

Members Present:

David Deakin
Diana Doutre
Lyle Holmgren
Jeff Reese
Byron Wood
Roger Fridal, Mayor
Shawn Warnke, City Manager
Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the October 15, 2013 City Council Workshop to order at 5:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Public Works Director Paul Fulgham, Police Chief David Nance, and City Engineer Chris Breinholt. Additionally, Tenille Tingey and Kirby Sniderman from Zions Bank along with David Evans from Utah State University and Danny White from Environcentric Design were present.

1. Presentation and discussion associated with the Capital Facilities Plans, Impact Fee Facilities Plans, and Impact Fee Analysis for the following: Sewer Collection System; Storm Drain System; Parks, Open Space, & Trails; Water System; and Public Safety (Chris Breinholt, City Engineer and Tenille Tingey, Zions Bank)

Mayor Fridal turned the time over to Tenille Tingey from Zions Bank who asked the Council if there was anything that they wanted to know before they got started tonight. She asked if she should she dive right in or if they wanted to hear from Chris Breinholt first. Mayor Fridal turned the time over to Chris Breinholt.

Chris Breinholt, Tremonton City Engineer, told the Council that most of the utilities are in good shape to serve existing users. Impact fees are needed for growth in the future. One thing that needs to be addressed soon is water source. Mr. Breinholt told the Council that there are a few things he has learned in talking with the State about acquiring new water sources. He and Manager Warnke wanted to know if the City could convert canal water rights into culinary water rights. The State informed Mr. Breinholt that this is not allowed. Canal water rights must be used for agricultural purposes. The Bothwell pocket out west has been closed for new water rights as far as new appropriation is concerned. The City just can't get any water rights out there.

Mr. Breinholt told the Council that the State is studying the Malad River Basin. It was speculated by Will Atkin with the State that in the Malad Basin there will be a 50/50 chance that this area will be shut off to future water rights. Closing the Malad Basin to the appropriation of future water rights would severely impact Tremonton City. One of

the things the City can do is to develop its springs. Mr. Breinholt told the Council that he feels one of the best things the City can do is water conservation and a secondary water system. There may be other ways and ideas to save water; however, if we cannot develop water in the Malad Basin, that would be the best avenue to provide water.

Councilmember Wood asked about the 50/50 chance of getting water and if that meant that there would be a 50/50 chance of us not getting the extra water produced from our new wells. We have enough rights in the springs or bottoms that we could move to the wells. Director Paul Fulgham commented that we have water rights that we do not have water for. The issue is what we are going to do.

Councilmember Holmgren asked a question about using our water shares and converting them to culinary water rights. Mr. Breinholt told Councilmember Holmgren that we cannot convert a canal water right to culinary water rights – they would have to be used for agriculture purposes. It would be a wise way to go if we required canal water shares for secondary water to be dedicated by the developer to the City with the approval of subdivisions. Director Fulgham commented that 75% of the culinary water in the summer goes to the lawns. From mid September through May, the City does not have any issues with water. When we get into watering lawns is where we get into issues. Director Fulgham told the Council that it is doable to use secondary water system in the summer.

Mr. Breinholt told the Council that the Canal Company would be open to using some of the water for secondary use instead of losing it. That would save any home about half of their water usage in the summer.

Councilmember Dautre commented that secondary water is expensive. Director Fulgham replied that as the secondary water is expanded, the cost will come down. The rate will change. Mr. Breinholt told the Council that we will be watching the State with their study which should be over soon. Director Fulgham told Mayor Fridal that he would check on the years left on the study.

Councilmember Wood asked if they were recommending the secondary water and water expansion for new growth. Mr. Breinholt told the Council that this would be one area that they would be looking at.

Ms. Tingey told the Council that basically in their presentation, they will talk about impact fees and the new Impact Fee Facilities Plan. We are going to talk about the police and fire – the approach, how they came out, and Kirby Sideman's approach. We will look at what your population level of service looks like and get down to the numbers that have been put together for you. We will look at the fire and police numbers. She told the Council that she was sure they understand that an impact fee is a one time charge to new development for the purpose of raising revenue to expand or build new public facilities necessitated by that development.

Ms. Tingey informed the Council that a big change came in May of 2011 when the Impact Fee Act was changed. An Impact Facilities Plan must be developed to support your Impact Fee Analysis for entities with a population of over 5,000.

This changed impact fees across the state. The Impact Fee Facilities Plan must have a written Impact Fee Analysis that includes: Analysis of existing facilities and capacity to

serve new growth (buy-in), Definition of Level of Service, identification and justification of future projects (based on demand), determination of how future facilities will be funded, a fair and equitable fee that ensures that the cost borne by existing users is comparable to the cost to be borne in the future. The Impact Fee Certification must be included in the document and noticing must be completed for proposal and amendment.

Ms. Tingey informed the Council that public noticing requirements have changed with the rewrite to the Impact Fee Act effective May of 2011. Noticing is done on the State Web Site. It is anticipated that an Impact Fee Ordinance will be presented to the Council on November 19th and adopted. Noticing will start November 8th. The Ordinance shall contain the schedule of Impact Fee for each utility and a formula by which the fee is to be calculated, the provision to allow for adjustment of the fee to ensure the fee is imposed fairly, contain a provision that allows for credits against fees for developer funded facilities built that are in the Impact Fee Facilities Plan. The new impact fee amount cannot be collected until 90 days after adopting the Impact Fee Ordinance.

Also included in Ms. Tingey's presentation were population and growth projections, level of service, existing assets, current impact fees vs. proposed impact fees, and changes to the fee.

Kirby Snideman discussed the Public Safety Impact Fees. He reminded the Council that Tremonton City has not adopted a public safety impact fee for fire and police before. He explained the methodology of coming up with the impact fees for safety. Mr. Snideman told the Council that in completing the Impact Fee Summary Study, ZBPF (Zions Bank Public Finance) compiled with most recent emergency calls and utilized the best data available. Only the costs related to capital facilities were included – no operation and maintenance expense was included. Mr. Snideman told the Council that the Fire/EMS and police level of service are currently at their highest point. Perpetuating the same level of service that exists today is possible but will result in a higher impact fee.

Ms. Tingey and Mr. Snideman thanked the Council for inviting them to make this presentation. They told the Council that their contact number is available if they have additional questions.

2. Presentation on the Malad River Parkway Preliminary Jurisdictional Determination (Danny White, Envirocentric Design)

Mr. White showed the Council different views of concept plans of the Tremonton City Malad River Trail.

Mr. White believes the City can get a permit to construct a trail in this area through the Army Corps of Engineers.

Mr. White stated that under the nationwide permit, there would be no cost to the City, other than the report and any mitigation. As of now, the permits are good for five years. Mayor Fridal asked if the project needs to be started or complete by five years. Mr. White noted that the project would need to be complete within five years of obtaining the permit. Councilmember Wood asked what the total cost for mitigation would be. Mr. White explained that it is determined by a lot of different factors. Some of the remediation being done for the work in Garden City is using the Public Works crews to do excavating. If Tremonton could do something similar, it would cost the City the time

for the Public Works crew and fuel to work on stream bank restoration. If the wetlands impacted are low, just over a tenth of an acre, the City could remove 2 large stands of phragmites. Some of these weeds are 12-14' tall. Removing this highly invasive weed would count towards the mitigation. Mr. White stated that the weeds would need to be sprayed, and as they are dying, shred them down. If the weeds are not sprayed first, it would just spread them. Chris Breinholt noted that based on the hillside alignment 92 feet of boardwalk, or wetland to be crossed, can be eliminated. This would be well below the tenth of an acre. Councilmember Reese asked if it was corridor A or A2. Mr. Breinholt stated that it was the trail farther up the hill on the outside loop. Mr. White included the calculations of impact for the wetlands. Mr. Breinholt noted that a boardwalk would be nice as you would down by the wetlands. It would be an expensive item and would require maintenance.

Councilmember Doutre asked if there was a lot of time spent in the wetlands area. Mr. White stated they spent two days, and another day for follow up. When Tremonton City is prepared to apply for the permit from the Army Corps of Engineers, Mr. White could help with a few last minutes items that need to be clarified. Mr. Breinholt asked if the City needs to pick a specific alignment and do a specific delineation. Mr. White would need a specific delineation on the eastern slope by the transitional wetlands. Once the City picks a specific alignment, Mr. White can go to the exact points and determine if those transitional wetlands are jurisdictional, or if they don't meet all three parameters. Councilmember Doutre asked about the width. Mr. Breinholt stated the plan is for it to be eight feet wide. Councilmember Holmgren noted that the easement is twenty feet.

3. Update on the status of the LeRay McAllister Critical Land Conservation Fund and associated items pertaining to the Malad River Trail Parkway

David Evans from Utah State University presented a concept plan for the Neighborhood Park and Malad River Trail Access and Parking Lot that he had prepared. Manager Warnke told the Council that he had a brief discussion with Councilmember Holmgren on the opportunity to acquire the property for the Neighborhood Park and Malad River Trail Access and Parking Lot. Acquisition of the property is within the realm of possibility for the City, especially considering if Impact Fees are increased to \$1,200 per ERU and assuming the purchase price of the property for the Neighborhood Park and Malad River Trail Access was in the high \$30's to low \$40's. One or two phases of development would pay for the cost of the acquisition of the land.

Councilmember Holmgren said that if the Council doesn't like the location, that needs to be made known. As the next phase is started, it would help to know which lot the Council is considering. The lot on the Concept Plan was just picked out because it is close to the trail access point. Right now it is just a concept. It would take some survey work to get it to where it can actually be parceled out. There would be easements involved – there is a lot involved in bringing it from the concept phase.

Councilmember Doutre said that she liked the idea of putting in a little playground area. Councilmember Holmgren said that he also likes the idea of a little playground. Mayor Fridal commented that the storm drain basin there could be incorporated. Director Fulgham said he feared it would be too deep to use for a park. It is a deep basin.

Councilmember Deakin asked Councilmember Holmgren if he was comfortable with this plan. Councilmember Holmgren replied that he thinks it is a good plan and that he likes

the expressed interest from NRCS and the other agencies, to participate. That will help us along. Mayor Fridal commented that he thinks it is an attractive plan.

Manager Warnke said that quite of progress is being made on finalizing the LeRay McAllister Grant. He has spoken with John Bennett who is the staff member assigned to the Quality Growth Commission and they will give Tremonton an extension of six months, but the Council needs to continue to push forward. One of the things that need to be done is the appraisal of the property. That will cost \$5,000. There are funds budgeted, but those funds were used in getting the wetland delineation, which was a smart decision because it showed where to place the trail and saved the City a lot of money in the future. Manager Warnke wanted the Council to know that he is moving ahead with the appraisal with the understanding that a budget amendment will be required to appropriate the funds.

4. Review of agenda items on the 7:00 p.m. Council Meeting:

Due to time restraints, the Council was unable to review the October 15, 2013 Agenda.

The meeting adjourned at 6:58 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the October 15, 2013 City Council Meeting to order at 7:09 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Public Works Director Paul Fulgham, Senior Center Director Marion Layne, Police Chief David Nance, and City Engineer Chris Breinholt.

1. Opening Ceremony.

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Councilmember Wood and the Pledge of Allegiance was led by Councilmember Deakin.

2. Introduction of guests:

Mayor Fridal welcomed all those present including Kevin Christensen from the Health Department and two Boy Scouts from Troop 140.

3. Approval of Agenda:

Motion by Councilmember Reese to approve the agenda of October 15, 2013. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin – aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – September 17, 2013:

Mayor Fridal asked if there were any changes to the minutes. There were no comments.

Motion by Councilmember Doutre to approve the minutes of September 17, 2013 with minor corrections which have been conveyed to Recorder Hess. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments – Comments limited to three minutes:

Connie Archibald said she has been listening intently about the park and the trail. She spoke with the Intermountain Healthcare Operations Manager today regarding this and wanted the City to know that they are supporting walking. They are encouraging all employees to walk 6,000 to 10,000 steps per day. Ms. Archibald thanked the Council for considering the walking trail. It is hard sometimes to find a place where one can walk that doesn't have a lot of traffic, or dogs, etc. She thinks that the trail will be great. The benefits of exercising are well known. Ms. Archibald said that she is excited and appreciates the City Council for considering something like this.

6. Proclamation:

a. Domestic Violence Month – Penny Evans, New Hope Crisis Center

Ms. Evans informed the Council that she is the new Director at the New Hope Crisis Center. She shared the following statistics from July and August of this year:

- 10 Protective Orders
- 2 Protective Orders on behalf of a child
- 1 Stalking Injunction
- 568 Crisis Calls
- 9 Rape Crisis Calls
- 10 adults and 11 children in the Crisis Center

Ms. Evans invited everyone to come to the Suicide Awareness Walk tomorrow night.

Ms. Evans read the Proclamation proclaiming October as Domestic Month.

Motion by Councilmember Wood to have the Mayor sign the Proclamation to make October Domestic Violence Month. Motion seconded simultaneously by Councilmembers Holmgren and Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

7. Request(s) to be on the agenda:

a. Update on the Medical Reserve Corps – Mike Knoll – Mike Weibel

Mike Weibel stated that he is an Emergency Services Specialist at the Bear River Health Department. Mr. Weibel introduced Mike Knoll, an intern who will be

helping with the presentation.

Mike Knoll said that the Medical Reserve Corps (MRC) was formed in the wake of 9-11 when five doctors were found who were trying to help with the victims at the site and were not allowed to. Because they weren't regarded like the rest of the rescue workers, they weren't allowed to help with the rescue efforts. As a result, the Medical Reserve Corps was formed to help credential and identify people in advance of an incident in order to verify that they are authorized to assist with a rescue effort.

There are three units that operate under the Bear River Health Department, one for each of the three Counties. The Medical Reserve Corps is the only federally funded program that is not directly told how it should be run. Every program is unique and organized to specifically meet the needs of their local communities.

This year marks the tenth anniversary of the formation of the first Utah unit of the Medical Reserve Corps, which was formed September 30, 2003. Currently there are 90 volunteers in Cache County, 130 in Box Elder County, and 4 in Rich County.

The MRC consists of a group of medical professionals and lay people who can assist in the event of a disaster. They work with local hospitals, health departments, and emergency medical systems and provide support to their efforts. A lot of the EMS and Fire Departments have people who have time that they can commit to the MRC outside of their work

Everyone talks about the earthquake that might happen in this area, or the landslide that happened in Logan several years ago. Though a mass casualty may not be likely, it is still something that the MRC plans for just in case it might happen.

The Health Department through the MRC is able to provide medication and vaccinations to anyone in the area within forty-eight hours of an event. During the H1N1 influenza outbreak, the local MRC volunteers were able to provide immunization to the entire population within the allotted time. Mr. Weible added that the Bear River Health Department was able to reach the current population better than any other health department in the State. The school children were their biggest target. There was no way that could have been done without the volunteers. They had approximately 50 volunteers in Box Elder County and about 48 volunteers in Cache County.

Mr. Knoll stated that their success is due to the good training the volunteers receive. They train for a number of things. Bi-monthly meetings are conducted and are supported by newsletters which provided needed information. The same basic core competency training, whether provided by the State or at the federal level, is provided to all volunteers.

The MRC also conducts special events such as children's health screening and a dental screening which was provided free of charge by the Logan Regional Hospital Foundation. Several dentists and pediatricians were brought in.

The MRC is hoping to double their volunteer enrollment. The way to register is by going to www.utahresponds.org. Those registered will receive a newsletter every two months which will provide information on when the meetings will be held. Volunteers are asked to attend one meeting every year.

Retired doctors can obtain licenses up to ten years after their retirement as long as they were in good standing at the time of their retirement. There are other needs in addition to medical professionals, including clerical workers. For every nurse that gives vaccinations, seven other people are needed to provide support work.

8. New Council Business:

- a. Discussion and consideration of approving the August 2013 Warrant Register.

Motion by Councilmember Reese to approve the August 2013 Warrant Register. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of approving the August 2013 Financial Statement.

Councilmember Doutre referred the Council to the fourth item down on the first page and asked if the City usually has that much in returned checks (\$1,693.68). Recorder Hess replied that often there is more. Councilmember Doutre asked how much the City charges for returned checks and Recorder Hess told her the City Charges \$25.

Motion by Councilmember Doutre to approve the August 2013 Financial Statement. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved

- c. Discussion and consideration of appointing poll workers for the 2013 Municipal Election

Recorder Hess explained that State Code requires that election judges/poll workers names be brought before the Council for approval. Because the Staff is not anticipating a large turnout, the number of judges has been reduced from six down to four and there will be no alternate judges. Councilmember Deakin asked if this is because of mail-in voting and Recorder Hess replied that the City received 160 requests for mail-in ballots. She talked it over with the County Clerk and it was decided to go with less judges. Recorder Hess stated that all of her Staff has been trained as judges and they can fill in if needed. The Recorder's Office Staff will handle Early Voting.

Motion by Councilmember Deakin to approve the pole workers. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember

Reese - aye, and Councilmember Wood - aye. Motion approved.

- d. Discussion and consideration of adopting Resolution No. 13-51 approving a Federal Aid Agreement for Local Agency Project for the road project on a portion of 1000 North starting at approximately 1500 West to 2300 West

Director Fulgham stated that this Federal Aid Agreement with UDOT is the first step for building out the full right of way width for a portion of Tenth North. The City's match for that \$1M project will be 6.77% or \$72,616. An agreement needs to be signed by the City so that when the project is started the Staff can pay out those funds. Those funds will become available when a Budget Opening is done in November.

Director Fulgham said that, if the Council chooses to, the waterline will be increased for future development from 10 inches to 18 or 20 inches. It will save the City \$80,000 if that is done with this project as it will avoid having to cut the asphalt again.

Director Fulgham will work with Manager Warnke to provide harder numbers for the Budget Opening, and hopefully, the money will be in Reserve in the Water Fund to replace and upsize those lines.

The upsizing of the lines can be paid for with impact fees. The replacement of existing lines will be paid for out of the City's Depreciation and Capital Improvement Fees.

Director Fulgham has already contacted Jones Engineering and another engineering firm to ensure compliance with all federal regulations for building out the full right of way width for a portion of Tenth North. The other engineering firm will be the primary and Jones Engineering will be a sub-consultant to them as Jones Engineering already knows all the storm drainage and utility work that needs to be done.

Councilmember Dautre asked if the road will be widened or if it will just be the sidewalk, curb and gutter. Director Fulgham replied that the easement is already there so the road section will be about the same, but it will have curb and gutter and sidewalk. The sidewalk on the north side of the road will be eight feet wide for a walking trail. It will be necessary to work with residents on the south side of the road for a full slope easement to make transitions into the driveways because there are some drop-offs and the goal will be to prevent the drainage water from running off into those driveways.

Director Fulgham explained that this is a project that was scheduled for 2015, but Tooele City couldn't come up with their money, so this is 2013 money. This means the City will have to push hard next spring and summer to make it happen because the money will need to be spent by October 2014. There is no reason the project can't be completed in a ninety day time: it is all the federal requirements that take the longest time.

Motion by Councilmember Reese to adopt Resolution No. 13-51. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration adopting Resolution No. 13-52 amending Tremonton City Police Department Policy 1001 expanding the distance an Officer can live from the City and have a take home vehicle

Chief Nance reminded the Council that back in 2004 the City Council adopted a policy allowing Police Officers to use their assigned vehicles to commute to and from home. At that time the radius was set to be 15 miles from the City limits. There are police officers who live in Box Elder County but work in Salt Lake and are allowed to drive their assigned police vehicles back and forth.

Chief Nance requested that the Council keep the 15 mile radius in place but open the distance up on the south and allow officers who live as far south as Willard to use their assigned police vehicle for commuting to and from work. The reason for this request is because, since the State changed the retirement for police officers, the City is finding it more and more difficult to attract officers. Chief Nance would like the City to give some better benefits to help attract officers. Tremonton City does not pay their police officers a lot. The City's starting wage is a couple of dollars lower than most police agencies.

Some agencies do charge a fee which is deducted from the officers take home pay that is based upon the mileage that the officer lives from the City.

Councilmember Holmgren asked if Chief Nance could see any response time issues with the officers living away from the City. Chief Nance responded that, ideally, he would like to have all the officers live closer. The majority of the officers do live closer, but officers have been lost recently. One of the officers was lost because he went to another agency that pays more money and was allowed to take his car home. On the last hiring list, the top candidate went to another agency because they paid more and he was allowed to take his car home. He lived outside of Tremonton City's defined area. Chief Nance said that he wouldn't want any of the officers to live outside of the County area, but having a vehicle at home allows an officer to respond quickly.

Councilmember Deakin asked if there are officers from other agencies that live in the Tremonton Community. Chief Nance replied that there are several Brigham City Officers who live in Tremonton. Sometimes, when the City only has one officer on duty and there is an incident, those officers who work for other agencies will respond and provide back-up because they live in our community.

Motion by Councilmember Holmgren to adopt Resolution No. 13-52 and expanding Tremonton City's boundaries to include Willard, keeping the 15 mile radius except for Willard. Councilmember Dautre asked if it would be better to have a larger radius. Councilmember Deakin asked about the fee. **Councilmember Holmgren amended his motion to include that there would be no fee.** Councilmember Reese asked Chief Nance if he felt the fee schedule

should be adopted. Chief Nance suggested that there be no fee. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved

- f. Discussion and consideration of adopting Resolution No. 13-53 adopting a Title VI Sub-recipient Plan for non-discrimination in the Federal Transit Program

Director Layne explained that in order to apply for federal money, and the City still receives federal funds via Utah Department of Transportation (UDOT), the receiving agency must adopt Title VI which says that the agency won't deny service because of any kind of racial discrimination. Posters must be placed on the wall, translating capabilities must be provided (phone numbers must be provided for translators). There must be a list on the bus as they get on and off, employees must be trained, and patrons must be advised of whom to contact for complaints.

Complaints are to be settled on the local level first, then the State, and then the Federal Government. It is now required that a Title VI Policy be registered with the State in order to keep federal contracts current and to apply for any additional funds.

Motion by Councilmember Wood to adopt Resolution No. 13-53. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

Director Layne stated that she had to send in the paperwork this morning and there is the chance that, if there is anything UDOT recommends, they will highlight it and send it back to be changed.

Director Layne added that the Senior Center received a large private donation for the parking lot a couple of weeks ago. The person making the donation does not want to be named.

Manager Warnke asked if the motion includes the incorporation of UDOT's requirements if the paperwork comes back with comments. Councilmember Wood said that it does.

- g. Discussion and consideration of adopting Resolution No. 13-54 approving a concussion or traumatic head injury policy for youth-athletes in compliance with Utah Code Annotated Title 26, Chapter 53

Motion by Councilmember Reese to adopt Resolution No. 13-54. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of adopting Ordinance No. 13-18 vacating lots 42,

43, 58, and 59 of the Holmgren Estates East Subdivision Phase 3

Councilmember Holmgren declared a conflict of interest.

Motion by Councilmember Deakin to follow what has been voted on already and what the Planning Commission has already approved by adopting Ordinance No. 13-18 vacating lots number 42, 43, 58, and 59. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - abstained, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

Councilmember Deakin commented that the only party in town who opposed this hasn't called him back to talk about solutions. If he wants the Council or Planning Commission to do something, he needs to come talk to us, or call so it can be placed on the agenda.

9. Discussion Items:

- a. Discussion of potentially receiving ownership from the Box Elder County School District of a storm drain basin (.28 acres in size) located at approximately 800 West 350 North

Director Fulgham stated that this is the basin which is across from the Alice C. Harris School in between the town homes that are on 350 North. The basin was build by Jay Dee Harris when he built the school as part of the drainage requirement of the Jay Dee Harris first subdivision.

In about 2001, the City went to Mr. Harris to have the basin deeded over to the City because the City was maintaining it. Mr. Harris wouldn't deed it to the City but said he would deed it to the School District. At that time, the City removed the sprinkler system and stopped maintaining it, and it was turned over to the School District.

Director Fulgham said he doesn't remember if the School District approached the City, or the other way around about having the basin deeded to the school. Both the school and the City have water that drains into the basin. Since the City took their sprinklers out, the storm drain basin hasn't been maintained. Once it is deeded over to the City, the City would start sprinkling and maintaining it again.

The basin does have some capacity left in it for future development. If the school's needs were to increase, they would still be able to put their storm drain system there. The area is not park quality, but does provide some open space. There are some City areas that could possibly be tied into the basin.

Manager Warnke added that, if the Council is supportive of this, a meeting will be set up with Ron Woolf and others from the School District to formalize it further then an agreement would be prepared that would convey the land to the City.

Councilmember Reese asked, since this is the School District's site, why they can't maintain it. Manager Warnke responded that they have to some degree. It

just depends upon what level of maintenance the Council wants. They do mow it, but they don't seem to water or fertilize it. The area is a combination of turf, weeds and dirt. Director Fulgham said that there are enough grasses that once it got irrigated and fertilized the grasses would choke out the weeds.

Manager Warnke stated that this basin is really part of the City's utility system. The City has a Utility Fund that has been set up and established just for this purpose. It seems to make more sense for it to be owned and maintained by the City than the School District.

The Council agreed to move forward with this project.

b. Discussion of potential increases to sewer treatment rates

Director Fulgham said that the Budget the last few years shows that the Wastewater Treatment Fund has had to borrow from the reserves to keep the operational fund going. That is not a good thing. In talking with the Auditor and the Finance Director, they looked at the ratio to make sure the City is collecting enough revenue. The last time the City had an increase in the Wastewater Treatment Fund was probably about 2001. That is when the overage rate for commercial users was instituted. Since then, there has been quite an increase in power costs.

Director Fulgham and Manager Warnke, along with Finance Director Roberts, have looked at the financial aspects and it was determined that the fund needs to be increased by about \$82K per year. They looked at maybe raising the base rate and maybe raising the overage rate charges to commercial users.

If the base rate is increased, that impacts everybody but it doesn't impact everybody equally because some of the bigger users who pay the overage will get a free ride. By increasing the overage rate, as well, it makes it fair because those who put more into the sewer system will pay more.

Councilmember Deakin said that he knows Director Roberts wants the City to maintain a 3% Return on Asset Ratio, so he is looking at it more like a business, but asked if the Wastewater Treatment Plant funds don't flow to account 52, Treatment Plant. Manager Warnke said that they do. Councilmember Deakin then commented that the Council just approved a Financial Statement which shows that the City is sitting on \$2,343,560. The City may not be maintaining the 3% Return on Asset Ratio, but to say that the fund is struggling or hurting doesn't seem accurate.

Director Fulgham responded that the Wastewater Treatment Plant is capital intensive. The basic treatment unit is now ten years old. Next year, Director Fulgham said that he will be asking for some money because the Plant has some issues that need to be addressed.

Councilmember Deakin said that he understands that, but there is \$2.3M cash in this Fund and we are going to ask people to pay more? Manager Warnke

commented that the Council needs to look at the trend and where it is going along with where it has been. This was a strong, healthy Fund several years ago when it was receiving all the overage coming in from West Liberty Foods. Those days are declining and the trend is that the Fund is starting to use reserves to fund operations.

Manager Warnke stated that the Wastewater Treatment Plant is a very mechanical process treating corrosive materials. All of those things play into the fact that the City needs to keep on top of the Fund and healthy reserves are needed because, as government regulations change, the City needs to be prepared. Director Fulgham added that, if the Treatment Plant were to be replaced right now, it would cost upwards to \$20M.

Councilmember Deakin asked if the Staff is looking at replacing the Plant. Manager Warnke explained that he is just suggesting that the City needs to stay on top of properly maintaining the Plant. When these costs are delayed, the funding of these larger capital projects is actually being pushed onto future generations so it is important that the Fund is healthy and stable.

Councilmember Deakin commented that \$2.3M looks pretty healthy and stable. Councilmember Wood said that Garland is thinking about building their own wastewater treatment plant. That would give Tremonton quite a bit of excess capacity. Councilmember Dautre asked where Garland stands with building a new plant. Director Fulgham said that he hates to say anything because he doesn't know. Personally, the way he looks at it, and the way the State will look at it is that Tremonton is a regional plant because the Tremonton Plant treats Garland's wastewater. If Garland goes to the State for funding, the State will ask how Tremonton City is unfair to them. Garland residents pay \$18.30 per month for wastewater treatment – if Tremonton increases it, it will be a little bit more. The State will ask Garland if what their residents will pay is any different from Tremonton. The State likes regional facilities because then they don't have to regulate as much. They are going to be opposed to loaning money for Garland to develop their own system when they already have a good, functioning system.

Director Fulgham said that he cannot see them saving any money by breaking away from Tremonton City. If they do, that would open up capacity, but it doesn't help with the maintenance of the plant.

If Garland does break away, there will be a loss of income to the City's Wastewater Treatment Fund of about \$150,000. Director Fulgham said that he is doing a study right now which he will present to the Council when he is done. He and Manager Warnke are also looking at how the City is doing on the pre-treatment side of things with industry, and increasing some of those rates, as well. Those fees haven't been changed since Director Fulgham came to work with the City, and they were set prior to industry coming to the City. It is unknown how the Staff came up with the fees at that time.

Councilmember Wood commented that when businesses come to town they can pay to help upgrade the sewer system so, like Councilmember Deakin said, he sees how much money is there and doesn't see there is a real need to increase the

fees. Director Fulgham responded that those funds are for the purpose of up-sizing the plant, not to replace it. That is the difference. When phosphorous removal becomes a requirement, and it will, that won't have anything to do with new growth. That could impact the Plant quite a bit because of what it takes to remove phosphorous from the wastewater. It is not in the soap, because laundry detergents already have the phosphorous removed; it is just a natural breakdown of industrial and residential waste. When phosphorous removal becomes a requirement, the City will need to have funds set aside, or the City will have to acquire funds.

Mayor Fridal commented that he thinks it is a wise move to plan for the future. Manager Warnke stated that one thing that started this conversation is that every year Finance Director Roberts talks to the Council about where the City is vulnerable in its finances. This is an area that he points out. The Staff has been slowly working with Garland by reviewing the agreement and mentioning that the fees would be increased if there were certain triggers. One of the guidelines is the Return on Asset Ratio. In discussions with Garland, they have asked what an increase would look like. As a result, Manager Warnke and Director Fulgham have worked on determining what a fee increase would look like. Prior to going to Garland to have a conversation about a potential raise, they wanted to talk to the City Council and get their direction. The Staff has delayed meeting with Garland again in an effort to get this piece of information finalized and then present it to the Council.

Director Fulgham stated that the fee increase calculations were determined without any capital improvement projects added. Director Fulgham stated that he did not put those numbers in when he was doing the calculations for the wastewater treatment fee increases. It was based only on what it takes to operate the facility. If someone has to borrow money from their savings continually to maintain their household, then something has to change, either reduce their expenses or increase their income, that is where we are our expenses are cut as low as they can be and every year we are having to borrow from our wastewater treatment reserves, in the tune of \$80,000 plus thousand dollars, at this rate we are going backwards with our finances.

Councilmember Reese said that he wants to see the facts. \$2M does not mean the Fund has a big bank account. The whole infrastructure has to be looked at and what it takes to improve it so that it doesn't collapse in five years. The Council and Staff needs to look at what the future is. Director Fulgham stated that a big chunk of money goes into depreciation every year. That is only for replacement costs.

Manager Warnke commented that the Staff tried to provide as much information as they could and asked what information would be helpful to the Council. Councilmember Reese said that what would be helpful to him would be to have a projection of what repairs are anticipated in the next five years and the effect if rates are not increased.

Councilmember Deakin stated that his concern is that the Council is being asked to raise rates to maintain a 3% Return on Assets. If I am a business owner, Return on Assets is important, but Tremonton is a city. Director Fulgham countered that this is an Enterprise Fund and it should be treated as a business. He stated that he tries to run the wastewater treatment as a business.

Councilmember Wood said that he likes to have a little bit of savings so that when there is a project to replace something, the funds are there. Now impact fees are going to be cut in half. Going forward when developers come in it is like they are stealing the City's assets. Before, the City was putting a little money away and was able to pay for improvements with cash instead of having to bond. Councilmember Wood said that this is the way he likes to operate. Councilmember Reese agreed.

Councilmember Dautre added the Council needs to look ahead.

Councilmember Wood asked when the contract with Garland expires. Director Fulgham replied that it would be in 2015.

Councilmember Wood agreed that the agreement needs to be finalized. Manager Warnke explained that there are some things that are being delayed in finalizing the agreement. The fee increase is one; impact fees is another because an impact fee should really be done that looks at the entire service area which includes Garland City as present, and calculate the fee based upon that area and the total population growth in that area. The Council should really try to move forward on these things.

Mayor Fridal suggested that, as businesses move to Tremonton, every one will impact the Wastewater Treatment Plant. Even though they can help pay for it, we still have people who complain about the odor coming from the Plant. There are issues at the Plant right now that the Council can spend a lot of money on just to keep residents of Tremonton happy and not including the potential the City has for increasing capacity of the Treatment Plant in a relatively short time. The Council needs to look to the future and ask in five years, what will be needed. Mayor Fridal said that, as near as he can understand, \$2M could be spent in a heart beat. It sounds like a lot of money, but in real life, just to keep the residents happy, half of that could be spent.

- c. Any unfinished discussion item listed in the 5:00 p.m. City Council Workshop Session

Manager Warnke asked for direction on some of the issues that were discussed earlier, specifically with the LeRay McAllister Funds. What the City has left to comply with the Grant is to get an appraisal on the property. Councilmember Deakin said that the project seems very reasonable. He is a lot more comfortable where the property is no longer wetlands.

Manager Warnke asked the Council if it is okay to go ahead and engage a surveyor. Councilmember Wood asked if the money would be coming out of the LeRay McAllister Fund or the General Fund. Manager Warnke told him that it

could potentially be both. The LeRay McAllister Fund has approved \$20K for the City, but it depends upon what the appraisal of the conservation easement will cost and if there is excess money, then there is the possibility that the excess money could be used for surveying costs up to the \$20K. Otherwise, it would come out of the Impact Fee Fund.

10. Comments:

a. Administration/City Manager Advice and Consent.

- 1) Discussion of a City Council meeting to Canvas the Election (November 13, 2013)

Recorder Hess explained that by State Law, the Council has to do the Canvas of the Elections no less than seven days and no more than fourteen days after the election. The Canvas of Elections has been scheduled for November 13th. The County will have done all the counting and will have the documentation prepared, but the Council needs to get together and review the information.

It was decided to hold the canvas at 5:30 p.m.

b. Council Reports:

Councilmember Wood commented that the new picnic tables really look good at the Splash Pad and asked what happened to the benches. Manager Warnke stated that they are forthcoming.

Councilmember Reese said that he is tired of people whining about the recycle cans and asked if their money could be returned to those who didn't want the service. Councilmember Deakin said that he doesn't know how the City could have made the program requirements more obvious. Councilmember Reese said that one of those who have complained contacted the recycler and he turned it back on the City by saying that he was just a contractor. The Council felt that people who didn't want the program shouldn't be held to it. Manager Warnke said that the City entered into an agreement with EconoWaste. Manager Warnke will contact them.

11. Adjournment.

Motion by Councilmember Wood to adjourn the meeting. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 9:12 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Norene Rawlings, Darlene Hess, and Cynthia Nelson.

Dated this _____ day of _____, 2013.

Darlene S. Hess, Recorder